

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 4-6, 12-14, 20-22, 29-31, and 58 are cancelled. Claims 1-3, 7-11, 15-19, 23-28, 32-57 and 59 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 7-8, 15-16, 23, 25, 32, 34, and 59 have been amended solely to have the claims better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

In the Office Action, claims 1-3, 7-11, 15-19, 23-28, 32-57 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fernandez (U.S. Patent No. 6,922,664) in view of Kumar (U.S. Patent No. 7,188,151) and further in view of Stanger (U.S. Patent No. 7,376,159). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1, 9, 17, 26, and 55 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., pages 11-12 of the specification.

As amended herein, claim 1 recites:

detecting, concurrent with the acquiring of the one or more of audio information and video information of the music performance, body motion information indicative of a tempo of music of the music performance and bio-information of at least one individual present at the given location[.]

(Emphasis added.) Neither the relied on sections of the relied on sections of Fernandez, the relied on sections of Kumar, nor the relied on sections of Stanger disclose or suggest detecting body

motion information indicative of a tempo of music of a music performance. Moreover, neither the relied on sections of the relied on sections of Fernandez, the relied on sections of Kumar, nor the relied on sections of Stanger disclose or suggest detecting, concurrent with the acquiring of one or more of audio information and video information of a music performance, body motion information indicative of a tempo of music of the music performance.

Rather, such sections of Fernandez merely describe sensing temperature, pressure, physiological vital information (e.g., heart beat rate, blood pressure, etc.), or other biometric values. (See col.4 ll.20-24.) These sections of the reference are not concerned with a music performance and are not concerned with sensing body motion information indicative of a tempo of music of a music performance.

Neither the relied on sections of Kumar, nor the relied on sections of Stanger overcome the deficiencies of the relied on sections of the relied on sections of Fernandez.

Amended claim 1 also calls for:

performing statistical processing of the body motion information indicative of the tempo of the music of the music performance and bio-information over predetermined time intervals corresponding to respective pluralities of the first data packets of the one or more of audio information and video information;
packetizing the statistically processed body motion information indicative of the tempo of the music of the music performance and bio-information into respective pluralities of second data packets corresponding to the respective pluralities of the first data packets[.]

(Emphasis added.)

For at least the reasons set forth above, neither the relied on sections of the relied on sections of Fernandez, the

relied on sections of Kumar, nor the relied on sections of Stanger disclose or suggest performing statistical processing of body motion information indicative of a tempo of music of a music performance, and neither the relied on sections of the relied on sections of Fernandez, the relied on sections of Kumar, nor the relied on sections of Stanger disclose or suggest packetizing statistically processed body motion information indicative of a tempo of music of a music performance.

It follows, for at least these reasons, that neither the relied on sections of Fernandez, the relied on sections of Kumar, nor the relied on sections of Stanger, whether taken alone or in combination, disclose or suggest the information transmission method set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 9, 17, 26, and 55 each call for features similar to those set out in the above excerpts of claim 1. Therefore, each of these claims is patentably distinct and unobvious over the relied on sections of Fernandez, Kumar, and Stanger at least for the same reasons.

Claims 2-3 and 7-8 depend from claim 1, claims 10-11 and 15-16 depend from claim 9, claims 18-19 and 23-25 depend from claim 17, claims 27-28 and 32-34 depend from claim 26, and claims 56-57 and 59 depend from claim 55. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Independent claims 35, 40, 45, and 50 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these

changes. Support for these changes is found at, e.g., pages 11-12 and 26-27 of the specification.

As amended herein, claim 35 recites:

decomposing a multiplexed data stream into respective pluralities of first data packets of one or more of audio information and video information of a music performance and into corresponding respective pluralities of second data packets of statistically processed body motion information indicative of a tempo of music of the music performance and bio-information, the multiplexed data stream having each respective plurality of second data packets of the statistically processed body motion information indicative of the tempo of the music of the music performance and bio-information which corresponds to a given predetermined time interval being disposed adjacent to a respective plurality of first data packets which corresponds to a same predetermined time interval in regions of the data stream resulting from partitioning acquired one or more of audio information and video information into lengths of partitioned data each corresponding to a predefined time interval and compressing the lengths of partitioned data, the acquired one or more of audio information and video information of the music performance being acquired at a performance at a given location, the body motion information indicative of the tempo of the music of the music performance and bio-information being of at least one individual present at the given location and being detected concurrent with the acquiring of the one or more of audio information and video information, the statistically processed body motion information indicative of the tempo of the music of the music performance and bio-information being generated by performing statistical processing of the detected body motion information indicative of the tempo of the music of the music performance and bio-information over predetermined time intervals corresponding to respective pluralities of the first data packets[.]

(Emphasis added.)

For at least the reasons set forth above, neither the relied on sections of the relied on sections of Fernandez, the

relied on sections of Kumar, nor the relied on sections of Stanger disclose or suggest the features set forth above in emphasis.

Moreover, amended claim 35 calls for:

generating video information for a moving image in correspondence with the body motion information indicative of the tempo of the music of the music performance.

Neither the relied on sections of the relied on sections of Fernandez, the relied on sections of Kumar, nor the relied on sections of Stanger disclose or suggest generating video information for a moving image in correspondence with body motion information indicative of a tempo of music of a music performance.

It follows, for at least these reasons, that neither the relied on sections of Fernandez, the relied on sections of Kumar, nor the relied on sections of Stanger, whether taken alone or in combination, disclose or suggest the information transmission method set out in claim 35. Claim 35 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 40, 45, and 50 each call for features similar to those set out in the above excerpts of claim 1. Therefore, each of these claims is patentably distinct and unobvious over the relied on sections of Fernandez, Kumar, and Stanger at least for the same reasons.

Claims 36-39 depend from claim 35, claims 41-44 depend from claim 40, claims 46-49 depend from claim 45, and claims 51-54 depend from claim 50. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration

and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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